IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2948 OF 2004

Manikchand Motilal Kataria and anr... Petitioners

Versus

Union of India and Ors. ... Respondents

Mr. D.G. Bange for Petitioners.

Mr. P.H. Jalistagi for R. No. 2.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : FEBRUARY 03, 2006

P.C.

. Considering that the Apex Court has negatived the challenge to the provisions of the Securitization Act, reliefs as prayed for in terms of Prayer Clause (b) would not be available. In so far as Prayer Clause (d) is concerned, it will always be open to the Petitioner to prefer an appeal before the forum which is available.

. On behalf of the Respondent No. 2, their learned counsel makes a statement that if the Petitioner herein files an appeal within 15 days

from today, they will not raise any objection as to the limitation. Statement accepted.

. D.R.T. to hear the appeal on merits. It is made clear that we have not considered any merits of the matter. All issues are left open tobe raised in the appeal if the Petitioner is advised to file. It is made clear that the Petitioner herein will have to comply with all other requirements whilst preferring the appeal. With the above observations, Petition stands disposed of. In the circumstances of the case, no order as to costs.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)